IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 2664 of 2000

Date:28.07.2005

BETWEEN:

K. Visweswara Rao

…. PETITIONER

Vs.

1. Regional Manager, L.I.C. of India, South Central Zone,

Hyderabad and others.

….RESPONDENTS

ORDER:

The petitioner is a Development Officer in Life Insurance Corporation of India. Since he is a permanent employee of the respondent organization, he is entitled to incentives, bonus and additional conveyance allowance on the collection of premium amounts, which were collected on and above targets fixed. While so, the petitioner was issued notice dated 27.9.1999 stating that in the appraisals 1981-82 and 1982-83 an amount of Rs.41,513.71 ps. was paid in excess of his entitlement, as such there was a demand for refund of the same. The petitioner submitted his representation on 12.11.1999 stating that there were some missing entries of premiums and requested to reopen the said appraisals, so as to arrive at a correct figure. Thereafter, without reference to his letter further proceedings dated 17.1.2000 were issued directing the petitioner to repay the excess amount. The said

proceedings are challenged in this writ petition stating that the amount was paid as per the norms of the respondent corporation and also basing on the premiums collected.

Heard learned counsel for the petitioner. Though the writ petition is of the year 2000 no counter affidavit is filed on behalf of the respondents. When the matter has come up for hearing learned counsel Sri Suresh appearing for the respondents submitted that since records were not available, counter affidavit is not filed.

Even according to the impugned proceedings the said amount was paid during the years 1981-82 and 1982-83. It is the case of the petitioner that the said amount is duly paid as per the norms notified by the respondents on the premiums collected by them. It is for the respondents to give details of the appraisals basing on which the alleged excess amount was paid and is to be recovered. In the representation dated 27.9.1999 the petitioner requested to reopen the said appraisals to arrive at a correct figure. Even then, without conducting any further enquiry and without giving any opportunity to petitioner, the impugned orders were passed. Inasmuch as the said excess amount is sought to be collected nearly more than 17 years after the payment. Unless the petitioner are given particulars of the premium amounts collected by them during the relevant years, it is not open for the respondents to unilaterally arrive at a figure towards the excess amount and collect the same. Further, though the writ petition is of the year 2000 no counter affidavit is filed disputing the averments made in the writ petition. In that view of the matter, the impugned proceedings dated 17.1.2000 are liable to be set aside.

Accordingly, the impugned proceedings in Ref: P & IR dated 17.1.2000 directing the petitioner to repay the excess amount of Rs.41,516.71 ps., which was paid by way of appraisals for the years 1981-82 and 1982-83, are hereby set aside.

The Writ Petition is accordingly, allowed. No costs.

R. SUBHASH REDDY, J.

28th July, 2005.

Js.